

Gabriola Fire Protection Improvement District BYLAW 102

Revised 2023

The Trustees of the Gabriola Fire Protection Improvement District, realizing the need for more localized and further regulations and restrictions governing fire prevention, suppression, and control beyond those provided for within the Fire Services Act, the Environmental Management Act, and The Wildfire Act and all associated regulations hereby enact Bylaw as follows:

SECTION 1 FIRE REGULATIONS BYLAW 102

SUBSECTION 1.1 GENERAL

1.1.1 This Bylaw may be cited as the "The Fire Regulations Bylaw 2023".

SECTION 2 DEFINITIONS OF WORDS AND PHRASES

In this Bylaw, unless the context otherwise requires, the following terms and expressions, that are in italics, shall have the meanings hereinafter assigned to them, that is to say:

Authorized shall mean authorized by the Chief of the Fire Department.

Authorized Incinerator shall mean any metal or masonry container in good condition mounted on a non-combustible base, fitted with a metal screen or grill of less than 12.5 mm mesh to restrict any sparks, or flying debris. Incinerators are not to be used to dispose of garbage or any material restricted under the Environmental Management Act and its associated regulations.

Building Act shall mean the Building Act [SBC 2015] Chapter 2 as amended from time to time.

BC Building Code shall mean the Provincial Regulations enacted under the Building Act [SBC 2015] Chapter 2 as amended from time to time.

BC Fire Code shall mean the Provincial Regulations enacted under the BC Building Act [SBC 2015] Chapter 2 as amended from time to time.

Board shall mean the Board of Trustees of the Gabriola Fire Protection Improvement District.

Boundary: The boundary of the Gabriola Fire Protection Improvement District is as described in the Gabriola Fire Protection District Letters Patent.

Building shall mean any structure used or intended to be used for the support, shelter or enclosure of person, animals or chattels.

Burning Permit shall mean permission/authorization from the Gabriola Volunteer Fire Department to light, ignite or maintain any open air fire.

Campfire Or Small Fire shall mean any open-air fire which doesn't exceed 0.5 X 0.5 X 0.5 metres, and which meets the conditions set forth in Section 13, subsection 13.3 and meets the requirements as set out in the Wildfire Act Regulations.

Category 2 Open Fire shall mean a fire as described in the Wildfire Act.

Category 3 Open Fire shall mean a fire as described in the Wildfire Act.

Chimney shall mean any pipes, flues, or pathways constructed to convey the products of combustion from a furnace, stove, or heater to the open air.

Closed Season refers to any period of time during the year so declared by the Fire Chief to be such; there may be more than one such period in a year.

District shall mean the Gabriola Fire Protection Improvement District.

Dwelling shall mean any building or part of a building occupied or intended to be occupied as a residence.

Environmental Management Act means the Environmental Management Act [SBC 2003] Chapter 53 and its associated Regulations, as amended from time to time.

Extinguished shall mean no visible flame, sparks, glowing embers, smoke, or heat.

Fire Chief shall mean the Fire Chief of the District or, any person designated by him to act on his behalf.

Fire Department shall include the Fire Department of the District, the Fire Department of any other fire protection district, B.C. Wildfire Service, or any municipal corporation attending fires within the District.

Fire Hazard shall mean any condition that is conducive to the destruction of life or property by fire, or will, or is likely to, increase the extent or severity of a fire.

Fire Season means the period each year commencing April 1 and ending October 15, or any other period so declared by the Fire Chief to be a Fire Season in any particular year.

Fire Services Act means the FIRE SERVICES ACT [RSBC 1996] Chapter 144 and its associated regulations as amended from time to time.

Fireworks shall mean a class of low explosive pyrotechnic devices, the use of which is not permitted once the Fire Hazard is in Moderate, and in accordance with the Fireworks Act

Fireworks Act means FIREWORKS ACT [RSBC 1996] Chapter 146 and its associated regulations as amended from time to time.

Local Assistant (LAFC) means a Local Assistant to the Fire Commissioner as described in section 6 and 7 of the Fire Services Act.

Local Government Act means LOCAL GOVERNMENT ACT [RSBC 2015] Chapter 1 as amended from time to time.

Occupant shall mean a person who is in physical possession of premises or has responsibility for, and control over, the condition of premises, the activities conducted on those premises and the persons allowed to enter those premises, and without limiting the generality of the foregoing includes the owner, agent, lessee, licensee or tenant of premises in the District.

Offense Act means OFFENSE ACT [RSBC 1996] Chapter 338 and its associated regulations as amended from time to time.

Open Air Fire shall mean any fire where the products of combustion are not conveyed to and disposed of by a chimney; this definition does not apply to a fire in a stove that uses a liquid, a gaseous, or a briquette fuel;

Owner means the registered owner of real property.

Person where used in this Bylaw shall mean any human being, associations, corporations or partnerships, whether acting by themselves or by a servant, agent or employee, and the heirs, executors, administrators, assignees or other legal representatives of such persons to whom the context shall apply according to law.

Premises refers to any building or structure including a private residence.

Private Residence shall mean any dwelling.

Sky Lantern shall mean a small hot air balloon made of paper, the use of which is not permitted once the Fire Hazard is in Moderate.

Vehicle shall mean every device in, on, or by which any person or property is, or may be, transported or drawn on or upon a public highway, and include all applicable definitions as defined under the Motor Vehicle Act, Revised Statutes of B.C 1996 Chapter 318 and its associated regulations as amended from time to time;

Wildfire Act means Wildfire Act [SBC 2004] Chapter 31 and its associated Regulations as amended from time to time;

SECTION 3 BYLAW APPLICATION

SUBSECTION 3.1 GENERAL

3.1.1 Unless the context otherwise requires, wording importing the singular number shall include the plural and words importing the masculine gender shall include the female, non-binary and other genders and the converse shall apply.

3.1.2 In the event of any conflict, inconsistency, or repugnancy between these Bylaws and any applicable Provincial legislation, the Provincial legislation shall prevail. However, where these Bylaws and the Provincial legislation deal with the same subject matter, any additional or more stringent restrictions contained in these Bylaws shall have full force and effect except to the extent that such restrictions are repugnant to the Provincial legislation.

3.1.3 This Bylaw authorizes the Fire Chief to enter on property and inspect premises for Fire Hazard(s). The Fire Chief may:

a. take the measures described in the Bylaw to prevent and suppress fires, including the demolition of buildings and other structures to prevent the spreading of fire;

b. exercise some or all of the powers of the fire commissioner under section 25 of the Fire Services Act, and for these purposes that section applies;

c. require the owners or occupiers of real property to remove from a building or yard anything that, in the opinion of the Fire Chief, is a Fire Hazard.

3.1.4.1 If property is endangered by debris caused by lumbering, land clearing, or industrial operation, the Fire Chief may require the person who is carrying on or who has carried on the operation, or the owner or occupier of the land on which the debris exists, to

- a. dispose of the debris, and
- b. undertake any other actions for the purpose of removing or reducing the danger as directed by the Bylaw or by the Fire Chief; to deal with any matter within the scope of the Fire Services Act in a manner not contrary to that Act or the regulations under it.

3.1.4.2 The authority of the Fire Chief, under subsection 2.2.1.4, may be exercised by a person under the authority of the Fire Chief or by another person designated in this Bylaw.

3.1.4.3 The Fire Chief shall have complete responsibility and authority over the Fire Department and shall take responsibility for all fire protection matters including the

enforcement of the "Fire Services Act" and assume the duties and responsibilities of a Local Assistant to the Fire Commissioner.

3.1.4.4 The authority of the Local Assistant is pursuant to the Fire Services Act.

SECTION 4 BREAKING BLOCKADE

SUBSECTION 4.1 GENERAL

4.1.1 Except with the permission of the Fire Chief, no person shall be permitted to enter any burning building or within the lines across any alley, lane, street or area marked by ropes or guards.

SECTION 5 DRIVING OVER HOSE

SUBSECTION 5.1 GENERAL

4.1.1 No person shall drive or run over any fire hose with any vehicle.

SECTION 6 FIRE DEPARTMENT WATER SOURCES

SUBSECTION 6.1 GENERAL

6.1.1 No person shall place or maintain any object or matter which interferes with free access or approach to any fire hydrant, water source, or fire department connection.

SECTION 7 COMBUSTIBLE MATERIALS

SUBSECTION 7.1 GENERAL

7.1.1 No person shall deposit or allow to collect or assign to be deposited within the District any paper, garbage or other combustible materials to a degree which, in the opinion of the Fire Chief, constitutes a Fire Hazard

SECTION 8 DUTY TO SAFELY STORE

SUBSECTION 8.1

8.1.1 Any person who makes, uses, or has charge of shavings, paper bags, litter or other combustible material shall, at the close of each day, ensure that they are safely stored or disposed of so as to be safe from fire and not create a Fire Hazard.

SECTION 9 NO HINDRANCE

SUBSECTION 9.1 GENERAL

9.1.1 No person shall in any way hinder any member of the Fire Department or any other person under the direction of the Fire Chief at any fire or other emergency.

SECTION 10 NOTICE TO REMEDY FIRE HAZARD

SUBSECTION 10.1 GENERAL

11.1.1 Where any conditions exist which, in the opinion of the Fire Chief, may be deemed a Fire Hazard, the Fire Chief shall notify the owner or occupant of the building or property, either orally or in writing stating the nature of the condition, a remedy, and a time within which the condition shall be remedied.

SUBSECTION 10.2 DUTY TO COMPLY

10.2.1 Where any owner or occupant has received notice under Section 9, they shall comply with the notice within the time indicated.

SUBSECTION 10.3 RIGHT OF APPEAL

10.3.1 Where any owner, occupant or person within the District has received a notice to remedy a Fire Hazard and is in grievance with any terms or conditions set forward, they shall have the right of appeal to the Board within ten (10) days of receipt of the notice to remedy said Fire Hazard.

A written notice of appeal must be received in writing at the postal address for the District, being P.O. Box 89, Gabriola, B.C., VOR 1X0, or by email at Trustees email address shown on the GVFD website, within ten days of the decision of the Fire Chief.

The Board may confirm, reverse, or vary the appealed decision. An appeal does not operate as a stay or suspend the operation of the decision being appealed until the Board orders otherwise.

SECTION 11. BURNING

SUBSECTION 11.1 GENERAL

11.1.1 Subject to subsection 13, no person shall light, ignite or maintain an open air fire or cause an open air fire to be lit, ignited, or maintained anywhere in the District including on or within any premises, surface, land, foreshore, beach, wharf or other structure unless that person is the owner of, or are authorized by the owner of the property (on which the fire is so lit or maintained) to do so or unless that person is the holder of a permit or written permission for such, issued pursuant to this Bylaw.

11.1.2 All open-air fires over 0.5 X 0.5 X 0.5 metres require a permit throughout the year.

11.1.3 Notwithstanding any other provision contained in this Bylaw, the Fire Chief may order that a fire of any type in the District be extinguished where such is necessary for public safety, including excessive smoke.

11.1.4 Smoke complaints will be referred to the British Columbia Ministry of Environment and Climate Change Strategy at the discretion of the Fire Chief.

SECTION 12 FORM OF PERMITS

SUBSECTION 12.1 GENERAL

12.1.1 A written permit, as amended from time to time, known as a Fire Permit, may be issued for open fires and shall not be valid after expiration thereof.

12.1.2 A permit will only be issued after an assessment by a Local Assistant of Gabriola Volunteer Fire Department has been conducted.

SECTION 13 CANCELLATION OF PERMITS OR BURNING BANS

SUBSECTION 13.1 GENERAL

13.1.1 For reasons of fire safety due to dry conditions, the Fire Chief may cancel or suspend issuing Fire Permit(s) or extend the Closed Season for fire burning.

13.1.2 The Fire Chief may at any time of the year suspend or cancel any Fire Permit issued where, in their opinion, the igniting of a fire in any area may create a Fire Hazard or the conditions set forth on the Fire Permit have not been complied with.

SECTION 14 OPEN AIR FIRES

SUBSECTION 14.1 GENERAL

14.1.1 For the purpose of this Bylaw, every fire shall be presumed to be an open-air fire in every case where the products of combustion from a fire are not conveyed to and disposed of by means of a chimney constructed and maintained in accordance with the regulations made pursuant to the Fire Services Act and the current Building Act and amendments thereto of the B.C. Building Code.

14.1.2 All open-air fires, over 0.5 X 0.5 X 0.5 metres require a burning permit except incinerators. See attached Schedule "A" for other fire size descriptions.

14.1.3 The permit holder or some competent person appointed by him shall ensure that an open-air fire is properly located, constructed and tended.

SUBSECTION 14.2 AUTHORIZED INCINERATORS

14.2.1 The owner of an authorized incinerator shall ensure:

14.2.2 that the authorized incinerator is maintained in a condition that provides for proper combustion of any permitted material burned, and is not over 0.25 cubic metres or barrel size;

14.2.3 that while it is in use, the person responsible or some competent person appointed by him/her shall supervise any burning and ensure that any equipment necessary for fire control is available;

14.2.4 that the authorized incinerator is located a safe distance from any combustible growth, debris, structure or object.

SUBSECTION 14.3 SMALL FIRES 0.5 X 0.5 X 0.5 METRES OR SMALLER

14.3.1 This regulation does not apply to a fire in a stove that uses a liquid, a gaseous, or a briquette fuel, or an approved propane campfire ring as long as the flame is no larger than 15 centimetres, however, extreme caution must always be exercised when using these devices.

14.3.2 A person who lights a small fire shall observe the following conditions:

i. the fire shall be a safe distance from any combustible growth, debris, structures, or objects;

ii an area should be cleared down to non-combustible material for not less than 1 metre in every direction from the perimeter of the fire;

- iii a charged hose or container, holding not less than 20 liters of water and a shovel shall be kept near the fire at all times;
- iv. the fire, including flames, shall not be more than 0.5 X 0.5 X0.5 metres;
- v. the fire shall be completely extinguished before leaving so that the ashes and any unburned material are no longer warm when touched.

SUBSECTION 14.4 FIRE SUPERVISION

14.4.1 Every Open Air Fire shall from the time it is ignited until it is completely extinguished, be supervised by a competent person, and shall be kept under control at all times.

SUBSECTION 14.5 WIND RESTRICTIONS

14.5.1 A person shall not light, fuel or make use of an Open Air Fire where there is a wind strong enough to cause sparks or other burning material to land in any combustible growth, debris, structure, or objects in the vicinity.

SUBSECTION 14.6. EXEMPTION

14.6.1 Fires started and maintained by the Fire Department having responsibility for fire prevention and suppression within the Boundary for training purposes or to prevent the commencement or spreading of fire, are exempt from the restrictions of Section 13.

SECTION 15 POWERED EQUIPMENT

15.1 GENERAL

15.1.1 The Fire Chief may regulate the operation of any equipment that may be hazardous during periods of High or Extreme fire danger, this includes Drones and Unmanned Aerial Vehicles (UAV). Appendix A

SECTION 16 SAFETY EQUIPMENT

16.1.1 The following safety equipment shall be in place at the work site for a fire rating of

- i. High or Early Shift (after one o'clock in the afternoon);
- ii. All day in, Extreme.
 - a. a working hard line phone service or a cell phone able to complete calls;
 - b. a 2.7kg, or greater, ABC rated fire extinguisher;

- c. hand tools, such as a mattocks or shovels for each employee on site;
- d. a tank of water, 946 litres or larger;
- e. any other equipment deemed necessary by the Fire Chief or his designate;
- f. a portable pump connected to the water supply with a flow rate of 151 litres per minutes or larger;

- g. a 38mm hose line of sufficient length to cover the distance from the tank to the furthest point of the operations plus 10 metres.

SECTION 17 RESTRICTED AREA

SUBSECTION 17.1 GENERAL

17.1.1 Where, in the opinion of the Fire Chief, the safety of life and property in an area of the Gabriola Fire Protection Improvement District, is endangered through the hazardous condition of the forest cover or the occurrence or spread of a fire burning in any woodland or forest or any other area, the Fire Chief may, by an order in writing, declare that area a 'Restricted Area', for such periods of time as the Fire Chief may deem necessary.

SECTION 18 RIGHT OF ENTRY

18.1 GENERAL

18.1.1 With the exception of a privately owned and occupied dwelling, except that portion that may be used in the carrying on of a cottage industry or commercial business, the Fire Chief may enter upon any land or premises for the purpose of an inspection or investigation relating to these Bylaws, the Fire Services Act, or the B.C. Fire Code.

18.1.2 No person shall obstruct the Fire Chief in the discharge of his duty under this Bylaw.

SECTION 19 LIABILITY SUBSECTION

SUBSECTION 19.1 GENERAL

19.1.1 Any person who ignites an Open Air Fire in violation of this Bylaw can be held liable for any costs incurred should the Fire Department have to be called out to control or extinguish said fire.

SECTION 20 PENALTY

SUBSECTION 20.1 GENERAL

20.1.1 Any person who violates any provisions of this Bylaw shall be liable, upon conviction, to a maximum penalty as authorized under the Offence Act.

20.1.2 Where any violation continues, each day in which it continues shall be a separate violation for the purpose of prosecution under this Bylaw.

20.1.3 Every person who starts or allows open burning is responsible for such fire. If, in the opinion of the Fire Chief, the fire presents a Fire Hazard, the Fire Department may be summoned to control or extinguish the fire. The property owner is liable for all costs and expenses incurred by the Fire Department or the District to control or extinguish the fire.

20.1.4 Cost recovery from the owner of land where the Fire Department attended for the fire service are authorized, as per Section 697 of the Local Government Act. These recovery rates shall follow the most current Reimbursement rates from the B.C. Inter-Agency Working Group Report for personnel and equipment.

20.1.5 Costs owed to the Improvement District under this Part are payable upon receipt of an invoice from the Improvement District. Any disputes over the amount owing must be brought to the attention of the Fire Chief within thirty (30) days of the date of the invoice. If necessary, the dispute may be heard and resolved by the Board of Trustees for the Gabriola Fire Protection Improvement District at the request of the party disputing the invoice.

SECTION 21 BYLAW 95

SUBSECTION 20.1 GENERAL

21.1.1 That the Gabriola Fire Protection Bylaw 95 cited as "Fire Regulations Bylaw 2020" passed by the Board of Trustees on the 17th Day of June 2020 and registered by the Inspector of Municipalities on the 5th Day of February 2021 is hereby repealed in its entirety.

SECTION 22 BYLAW

SUBSECTION 22.1 GENERAL

22.1.1 This Bylaw may be cited as "Fire Regulations Bylaw 102"

INTRODUCED and given first reading by the Trustees on the: 5th day of April 2023

RECONSIDERED and given second reading by the Trustees on the: 5th day of April 2023

Reconsidered and given the final reading by the Trustees on the: 5th day of April 2023

A true copy of Bylaw No. 102
registered in the office of the
Inspector of Municipalities this
17th day of May 2023

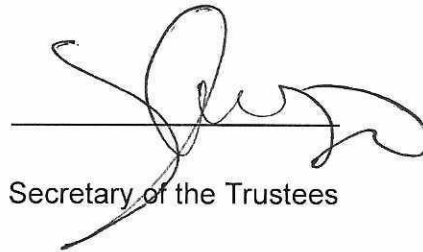


Deputy Inspector of Municipalities



Chairman of the Trustees

Paul Giffin



Secretary of the Trustees

Jessie Longo

I hereby certify under the seal of Gabriola Fire Protection Improvement District that this is a true copy of ByLaw102 of Gabriola Fire Protection Improvement District, passed by the Trustees on the 05th day of April 2023

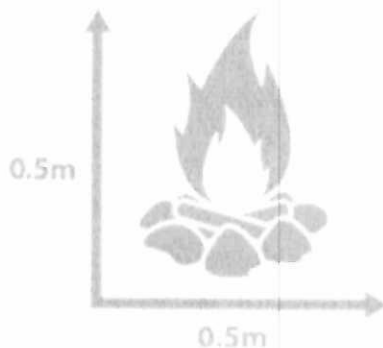
APPENDIX A

NO COMBUSTIBLE MATERIAL SHALL BE BURNED ON THE BEACH

Campfires NO PERMIT REQUIRED

A campfire is referred to as:

- any fire no larger than 0.5 metres high by 0.5 metres wide (a fire larger than this is considered a Category 2 fire).
- used by any person for recreational purposes or by a First Nation for a ceremonial purpose.



Responsible campfire use follows the campfire regulations which may be found at:

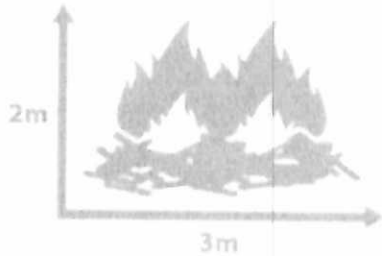
<https://www2.gov.bc.ca/assets/gov/public-safety-and-emergency-services/wildfire-status/fire-bans-and-restrictions/8092-bcws-campfireregs-poster-2021-update-web.pdf>

Avoid having a campfire when it's windy. Choose a proper fire pit or make a ring of rocks at least three metres from trees, shrubs, structures, and debris, and do not leave a campfire unattended for ANY amount of time.

Category 2 Open Fire PERMIT REQUIRED

This category refers to fires, other than a Campfire, that burn:

- material in one pile not exceeding 2 metres in height and 3 metres in width.
- material concurrently in 2 piles each not exceeding 2 metres in height and 3 metres in width.
- stubble or grass over an area that does not exceed 0.2 hectares.



Category 3 Open Fire PERMIT REQUIRED

This category refers to an open fire that burns:

- material concurrently in 3 or more piles each not exceeding 2 metres in height and 3 metres in width.
- material in one or more piles each exceeding 2 metres in height or 3 metres in width.
- one or more windrows (row of cut hay or small grain crop).
- stubble or grass over an area exceeding 0.2 hectares.

More information may be found at:

[https://www2.gov.bc.ca/gov/content/safety/wildfire_status/fire-bans-and-restrictions/open-burning#:~:text=A%20campfire%20is%20defined%20as,considered%20a%20Category%20%20fire\).](https://www2.gov.bc.ca/gov/content/safety/wildfire_status/fire-bans-and-restrictions/open-burning#:~:text=A%20campfire%20is%20defined%20as,considered%20a%20Category%20%20fire).)

What is a high-risk activity?

Examples of Industrial activity that **can** continue after 1pm when the fire hazard rating is **High - Early Shift** or during **Extreme with the fire fighting equipment on site**:

- Excavating equipment operating on non combustible area
- Well drilling
- Jackhammering or rock drills
- Pressure washing
- Leaf blowing (gas powered)
- Portable generators
- Portable water pumps
- String trimmer, with a nylon string (gas powered)

Examples of Industrial activity that **must cease** by 1pm during **Extreme, regardless of fire fighting equipment on site**:

- Lawn mowing (Irrigated, green grass)

- String trimmer with metal blades (gas powered)

Examples of high risk activities that **cannot** continue after 1pm during **High - Early Shift** and must cease during **Extreme**, regardless of fire fighting equipment on site:

- Land Clearing
- Tree or brush forwarding
- Tree processing
- Chainsawing
- Milling
- Grinding or cutting to cause sparks (Outdoors)
- Welding (Outdoors)
- Industrial mowing of road frontage
- Explosives / Fireworks

This Appendix is subject to amendment from time to time. This appendix is valid as of March 10, 2023